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The contracting parties engage, mutually, to renounce, in case of war among themselves, the employment, by their military or naval forces, of any projectile of less weight than four hundred grammes, which is explosive, or is charged with fulminating or inflammable substances.

They agree to invite all the states which have not taken part in the deliberations of the International Military Commission, assembled at St. Petersburg, by sending delegates thereto, to accede to the present engagement.

This engagement is obligatory only upon the contracting or acceding parties thereto, in case of war between two or more of themselves; it is not applicable with regard to non-contracting powers, or powers that shall not have acceded to it.

It will also cease to be obligatory from the moment when, in a war between contracting or acceding parties, a non-contracting party, or a non-acceding party, shall join one of the belligerents.

The contracting or acceding parties reserve to themselves the right to come to an understanding, hereafter, whenever a precise proposition shall be drawn up, in view of future improvements which may be effected in the armament of troops, in order to maintain the principles which they have established, and to reconcile the necessities of war with the laws of humanity.

Done at St. Petersburg, November 29 (December 11), 1868.

Project of an International Declaration Concerning the Laws and Customs of War, Adopted by the Conference of Brussels, August 27, 1874

ARTICLE I. A territory is considered as occupied when it is actually placed under the authority of the hostile army.

The occupation only extends to those territories where this authority is established, and can be exercised.

II. The authority of the legal power being suspended, and having actually passed into the hands of the occupier, he shall take every step in his power to re-establish and secure, as far as possible, public safety and social order.

III. With this object he will maintain the laws which were in force in the country in time of peace, and he will only modify, suspend, or replace them by others if necessity obliges him to do so.

IV. The functionaries and officials of every class who, at the instance of the occupier, consent to continue to perform their duties, shall be under his protection. They shall not be dismissed or be liable to summary punishment (punis disciplinairement) unless they fail in fulfilling

the obligations they have undertaken, and shall be handed over to justice, only if they violate those obligations by unfaithfulness.

V. The army of occupation shall only levy such taxes, dues, duties, and tolls as are already established for the benefit of the State, or their equivalent, if it be impossible to collect them, and this shall be done as far as possible in the form of and according to existing practice. It shall devote them to defraying the expenses of the administration of the country to the same extent as was obligatory on the legal Government.

VI. The army occupying a territory shall take possession only of the specie, the funds, and bills, etc. (*valeurs exigibles*), which are the property of the State in its own right, the depots of arms, means of transport, magazines and supplies, and, in general, all the personal property of the State which may be of service in carrying on the war.

Railway plant, land telegraphs, steam and other vessels, not included in cases regulated by maritime law, as well as depots of arms, and generally every kind of munitions of war, although belonging to companies or to private individuals, are to be considered equally as means of aid in carrying on a war, which cannot be left at the disposal of the enemy. Railway plant, land telegraphs, as well as the steam and other vessels above-mentioned shall be restored, and indemnities be regulated on the conclusion of peace.

VII. The occupying State shall only consider itself in the light of an administrator and usufructuary of the public buildings, real property, forests, and agricultural works belonging to the hostile State, and situated in the occupied territory. It is bound to protect these properties (*fonds de ces propriétés*) and to administer them according to the laws of usufruct.

VIII. The property of parishes (*communes*), or establishments devoted to religion, charity, education, arts and sciences, although belonging to the State, shall be treated as private property.

Every seizure, destruction of, or wilful damage to, such establishments, historical monuments, or works of art or of science, should be prosecuted by the competent authorities.

IX. The laws, rights, and duties of war are applicable not only to the army, but likewise to militia and corps of volunteers complying with the following conditions:

1. That they have at their head a person responsible for his subordinates;
2. That they wear some settled distinctive badge recognizable at a distance;

3. That they carry arms openly; and
4. That, in their operations, they conform to the laws and customs of war.

In those countries where the militia forms the whole or part of the army, they shall be included under the denomination of "army."

X. The population of a non-occupied territory, who, on the approach of the enemy, of their own accord take up arms to resist the invading troops, without having had time to organize themselves in conformity with Article IX, shall be considered as belligerents, if they respect the laws and customs of war.

XI. The armed forces of the belligerents may be composed of combatants and non-combatants. In the event of being captured by the enemy, both one and the other shall enjoy the rights of prisoners of war.

XII. The laws of war do not allow to belligerents an unlimited power as to the choice of means of injuring the enemy.

XIII. According to this principle are strictly forbidden:

- (a) The use of poison or poisoned weapons.
- (b) Murder by treachery of individuals belonging to the hostile nation or army.
- (c) Murder of an antagonist who, having laid down his arms, or having no longer the means of defending himself, has surrendered at discretion.
- (d) The declaration that no quarter will be given.
- (e) The use of arms, projectiles, or substances (*matières*) which may cause unnecessary suffering, as well as the use of the projectiles prohibited by the Declaration of St. Petersburg in 1868.
- (f) Abuse of the flag of truce, the national flag, or the military insignia or uniform of the enemy, as well as the distinctive badges of the Geneva Convention.
- (g) All destruction or seizure of the property of the enemy which is not imperatively required by the necessity of war.

XIV. Stratagems (*ruses de guerre*), and the employment of means necessary to procure intelligence respecting the enemy or the country (*terrain*) (subject to the provisions of Article XXXVI), are considered as lawful means.

XV. Fortified places are alone liable to be seized. Towns, agglomerations of houses or villages, which are open and undefended, cannot be attacked or bombarded.

XVI. But if a town or fortress, agglomeration of houses, or villages be defended, the commander of the attacking forces should, before

commencing a bombardment, and except in the case of surprise, do all in his power to warn the authorities.

XVII. In the like case all necessary steps should be taken to spare, as far as possible, buildings devoted to religion, arts, sciences, and charity, hospitals and places where sick and wounded are collected, on condition that they are not used at the same time for military purposes.

It is the duty of the besieged to indicate these buildings by special visible signs to be notified beforehand by the besieged.

XVIII. A town taken by storm shall not be given up to the victorious troops to plunder.

XIX. No one shall be considered as a spy but those who, acting secretly or under false pretences, collect, or try to collect, information in districts occupied by the enemy with the intention of communicating it to the opposing force.

XX. A spy if taken in the act shall be tried and treated according to the laws in force in the army which captures him.

XXI. If a spy who rejoins the army to which he belongs is subsequently captured by the enemy, he is to be treated as a prisoner of war, and incurs no responsibility for his previous acts.

XXII. Military men (les militaires) who have penetrated within the zone of operations of the enemy's army, with the intention of collecting information, are not considered as spies if it has been possible to recognize the military character.

In like manner military men (and also non-military persons carrying out their mission openly) charged with the transmission of despatches either to their own army or to that of the enemy, shall not be considered as spies if captured by the enemy.

To this class belong, also, if captured, individuals sent in balloons to carry despatches, and generally to keep up communications between the different parts of an army, or of a territory.

XXIII. Prisoners of war are lawful and disarmed enemies. They are in the power of the enemy's Government, but not of the individuals or of the corps who made them prisoners.

They should be treated with humanity.

Every act of insubordination authorizes the necessary measures of severity to be taken with regard to them.

All their personal effects except their arms are considered to be their own property.

XXIV. Prisoners of war are liable to internment in a town, fortress, camp, or in any locality whatever, under an obligation not to go beyond

certain fixed limits; but they may not be placed in confinement (*enfermés*) unless absolutely necessary as a measure of security.

XXV. Prisoners of war may be employed on certain public works which have no immediate connection with the operations on the theater of war, provided the employment be not excessive, nor humiliating to their military rank, if they belong to the army, or to their official or social position, if they do not belong to it.

They may also, subject to such regulations as may be drawn up by the military authorities, undertake private work.

The pay they receive will go towards ameliorating their position or will be placed to their credit at the time of their release. In this case the cost of their maintenance may be deducted from their pay.

XXVI. Prisoners of war cannot be compelled in any way to take any part whatever in carrying on the operations of the war.

XXVII. The Government, in whose power are the prisoners of war undertakes to provide for their maintenance.

The conditions of such maintenance may be settled by a mutual understanding between the belligerents.

In default of such an understanding, and as a general principle, prisoners of war shall be treated, as regards food and clothing, on the same footing as the troops of the Government who made them prisoners.

XXVIII. Prisoners of war are subject to the laws and regulations in force in the army in whose power they are.

Arms may be used, after summoning, against a prisoner attempting to escape. If retaken, he is subject to summary punishment (*peines disciplinaires*) or to a stricter surveillance.

If, after having escaped, he is again made prisoner, he is not liable to any punishment for his previous escape.

XXIX. Every prisoner is bound to declare, if interrogated on the point, his true name and rank, and in the case of his infringing this rule he will incur a restriction of the advantages granted to the prisoners of the class to which he belongs.

XXX. The exchange of prisoners of war is regulated by mutual agreement between belligerents.

XXXI. Prisoners of war may be released on parole if the laws of their country allow it, and in such a case they are bound on their personal honour to fulfil scrupulously, as regards their own Government, as well as that which made them prisoners, the engagements they have undertaken.

In the same case their own Government should neither demand nor accept from them any service contrary to their parole.

XXXII. A prisoner of war cannot be forced to accept release on parole, nor is the enemy's Government obliged to comply with the request of a prisoner claiming to be released on parole.

XXXIII. Every prisoner of war liberated on parole, and retaken carrying arms against the Government to which he had pledged his honour, may be deprived of the rights accorded to prisoners of war, and may be brought before the tribunals.

XXXIV. Persons in the vicinity of armies, but who do not directly form part of them, such as correspondents, newspaper reporters, "vivandiers," contractors, etc., may also be made prisoners of war.

These persons should, however, be furnished with a permit issued by a competent authority, as well as with a certificate of identity.

XXXV. The duties of belligerents, with regard to the treatment of sick and wounded, are regulated by the Convention of Geneva of the 22d August, 1864, subject to the modifications which may be introduced into that convention.

XXXVI. The population of an occupied territory cannot be compelled to take part in military operations against their own country.

XXXVII. The population of occupied territories cannot be compelled to swear allegiance to the enemy's power.

XXXVIII. The honour and rights of the family, the life, and property of individuals, as well as their religious convictions and the exercise of their religion, should be respected.

Private property cannot be confiscated.

XXXIX. Pillage is expressly forbidden.

XL. As private property should be respected, the enemy will demand from parishes (communes) or the inhabitants, only such payments and services as are connected with the necessities of war generally acknowledged in proportion to the resources of the country, and which do not imply, with regard to the inhabitants, the obligation of taking part in the operations of war against their own country.

XLI. The enemy, in levying contributions, whether as equivalents for taxes (vide Art. V), or for payments which should be made in kind, or as fines, will proceed, as far as possible, according to the rules of the distribution and assessment of the taxes in force in the occupied territory.

The civil authorities of the legal Government will afford their assistance, if they have remained in office.

Contributions can be imposed only on the order and on the responsibility of the General-in-Chief, or of the superior civil authority established by the enemy in the occupied territory.

For every contribution a receipt shall be given to the person furnishing it.

XLII. Requisitions shall be made only by the authority of the Commandant of the locality occupied.

For every requisition an indemnity shall be granted or a receipt given.

XLIII. An individual authorized by one of the belligerents to confer with the other, on presenting himself with a white flag, accompanied by a trumpeter (bugler or drummer), or also by a flag-bearer, shall be recognized as the bearer of a flag of truce. He, as well as the trumpeter (bugler or drummer), and the flag-bearer, who accompany him, shall have the right of inviolability.

XLIV. The commander to whom a bearer of a flag of truce is despatched is not obliged to receive him under all circumstances and conditions.

It is lawful for him to take all measures necessary for preventing the bearer of the flag of truce taking advantage of his stay within the radius of the enemy's position to the prejudice of the latter; and if the bearer of the flag of truce is found guilty of such a breach of confidence, he has the right to detain him temporarily.

He may equally declare beforehand that he will not receive bearers of flags of truce during a certain period. Envoys presenting themselves after such a notification from the side to which it has been given forfeit their right of inviolability.

XLV. The bearer of a flag of truce forfeits his right of inviolability if it be proved in a positive and irrefutable manner that he has taken advantage of his privileged position to incite to, or commit, an act of treachery.

XLVI. The conditions of capitulations shall be discussed by the Contracting Parties.

These conditions should not be contrary to military honour.

When once settled by a Convention, they should be scrupulously observed by both sides.

XLVII. An armistice suspends warlike operations by a mutual agreement between the belligerents. Should the duration thereof not be fixed, the belligerents may resume operations at any moment; provided, however, that proper warning be given to the enemy, in accordance with the conditions of the armistice.

XLVIII. An armistice may be general or local. The former suspends all warlike operations between the belligerents; the latter only those between certain portions of the belligerent armies, and within a fixed radius.

XLIX. An armistice should be notified officially and without delay to the competent authorities and to the troops. Hostilities are suspended immediately after the notification.

L. It rests with the Contracting Parties to define in the clauses of the armistice the relations which shall exist between the populations.

LI. The violation of the armistice by either of the parties gives to the other the right of terminating it (le dénoncer).

LII. The violation of the clauses of an armistice by private individuals, on their own personal initiative, only affords the right of demanding the punishment of the guilty persons, and, if there is occasion for it, an indemnity for losses sustained.

LIII. The neutral State receiving in its territory troops belonging to the belligerent armies will intern them, so far as it may be possible away from the theater of war.

They may be kept in camps, or even confined in fortresses or in places appropriated to this purpose.

It will decide whether the officers may be released on giving their parole not to quit the neutral territory without authority.

LIV. In default of a special agreement, the neutral State which receives the belligerent troops will furnish the interned with provisions, clothing, and such aid as humanity demands.

The expenses incurred by the internment will be made good at the conclusion of peace.

LV. The neutral State may authorize the transport across its territory of the wounded and sick belonging to the belligerent armies, provided that the trains which convey them do not carry either the *personnel* or *material* of war.

In this case the neutral State is bound to take the measures necessary for the safety and control of the operation.

LVI. The Convention of Geneva is applicable to the sick and wounded interned on neutral territory.

Acte Final de la Conférence Internationale de la Paix

La Conférence Internationale de la Paix, convoquée dans un haut sentiment d'humanité par Sa Majesté l'Empereur de Toutes les Russies, s'est réunie, sur l'invita-

Final Act of the International Peace Conference

The International Peace Conference, convoked in the best interests of humanity by His Majesty the Emperor of All the Russias, assembled on the invitation of the